

10

37505.0008

REMARKS

Claims 1, 3 to 10 and 12 to 32 are pending. No claims are allowed.

The Examiner states that claims 1, 3 to 10, 12 to 18 and 32 are drawn to an electrochemical cell comprising an electrode (Invention I) and claims 19 to 31 are drawn to a method of making an electrode (Invention II). The examiner is of the opinion that restriction between the claimed inventions is proper because the process of making an electrode can be used to make electrodes for other electrochemical cells besides that claimed in Invention I, such as a capacitor. In that light, independent claims 1 and 32 have been amended to set forth that the electrode active material is capable of intercalation of counter electrode ions instead of alkali metal ions. In their amended form, these claims are directed to an electrode suitable for use in a generic electrical energy storage device. This is believed to remove the basis for the present restriction requirement between Inventions I and II.

Nonetheless, if the Examiner continues to maintain his restriction between the claims of Inventions I and II, which the Applicants do not believe is well founded, they choose to prosecute claims 19 to 31 of Invention II, and to withdraw claims 1, 3 to 10, 12 to 18 and 32, with traverse.


Further, regarding the distinct electrode active materials in claims 7, 16 and 28, the Applicants elect to pursue silver vanadium oxide from the Markush group if no generic claim is finally held to be allowable.

11

37505.0008

A substantive examination on the merits of the pending claims is requested at an early date.

Respectfully,


Michael F. Scalise
Reg. No. 34,920

Greatbatch, Inc.
9645 Wehrle Drive
Clarence, New York 14031
(716) 759-5810
November 14, 2006